

## REMARKS

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 2-4, 6-16, 33-35, 38-48, and 50-53 have been canceled, and claims 18, 67-68, and 72-88 are pending. No claims have been allowed. Claims 18, 67, 77, and 83 are independent. Canceled claims are canceled without disclaimer or prejudice to renewal.

### *Interview Summary*

Applicants wish to thank the Examiner for her time during a telephonic interview on November 21, 2006. Claim 18 and the Sobotka patent were discussed. Although agreement was not reached, discussion concerning possible claim directions was helpful.

### *Information Disclosure Statement*

Applicants note that a single reference, U.S. Patent Application Publication No. 2005-0080657-A1 to Crow et al. was not initialed on the 1449 submitted on May 9, 2005. Applicants request that the Examiner provide an initialed copy of the 1449 to confirm that the reference was considered.

### *Cited Art*

U.S. Patent No. 5,197,004 to Sobotka et al. ("Sobotka") is entitled "Method and Apparatus for Automatic Categorization of Applicants from Resumes."

U.S. Patent Publication No. 2003/0 120 630 to Tunkelang ("Tunkelang") is entitled "Method and System for Similarity Search and Clustering."

### *Claim 18*

The Action rejects claims 18 and 73-76 under 35 U.S.C. 112, second paragraph. Applicants have amended claim 18 (by placing "desired" before "job candidate criteria")

as recited earlier in the claim) for clarification without changing its scope. Therefore, the rejection can be withdrawn.

***Patentability of Claims 18, 73-76, and 89 over Sobotka and Tunkelang under § 103***

Applicants have amended claim 18 so that it now recites “converting a job requisition to desired job candidate criteria.” As understood by Applicants, Sobotka or Tunkelang, alone or in combination do not teach or suggest such an arrangement. Accordingly, the claim is now allowable over Sobotka and Tunkelang.

Support for the amendment can be found, for example, at page 67, lines 26 et al. of the Application:

Matching can be done by matching desire job candidate criteria against candidates. For example, a job requisition can be converted to or start out as a list of desired criteria, which can take the form of a point in the  $n$ -dimensional concept space.

Accordingly, the claim and its dependent claims, 73-76 and 89, are now in condition for allowance.

***Patentability of Claims 67-68 over Sobotka and Tunkelang under § 103***

The Action rejects claims 67-68 under 35 U.S.C. § 103(a) as unpatentable over Sobotka in light of Tunkelang. Applicants respectfully submit the claims in their present form are allowable over the cited art. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (MPEP § 2142.)

Motivations to combine or modify references must come from the references themselves or be within the body of knowledge in the art. (*See* MPEP § 2143.01.)

The Action relies on Sobotka, except for the language related to “matching the characteristics desired to fill the position to a set of a plurality of job candidates.” For the “matching” language, the Action relies on Tukelang.

So that the distinctions can be more clearly understood, Applicants have amended claim 67 to recite:

providing results indicating a plurality of job candidates matching the characteristics desired to fill the position.

For example, FIG. 12 shows providing “job candidate matches.” As understood by Applicants, such an arrangement is patentable over Sobotka and Tukelang, alone or in combination.

*Even if Sobotka were combined with Tukelang, the underlying principle of operation of Sobotka would have to be modified; therefore, combining the references as proposed is improper.* As understood by Applicants, Sobotka is aimed at categorizing a job applicant. For example, at column 3, lines 55 et seq., Sobotka states:

Finally, the contents of the frame data structure are operated upon using rule-based techniques interacting with probabilistic methods to categorize the job applicant with a high degree of accuracy using only his resume.

Again, at column 4, lines 52 et seq., Sobotka states:

The job categories which are found to be appropriate are generated as output 5.

And, again, at column 5, lines 55 et seq., Sobotka states:

After this process is complete, the present invention selects which job category or categories are most appropriate.

Even in the background at column 1, lines 24 et seq., Sobotka states:

Job categorization is a necessary step in the process of hiring new employees. In the employment office of most corporations, as resumes are received they are sorted and the applicant is assigned a job skill code indicating the types of jobs which the applicant may be able to perform.

Thus, Sobotka consistently focuses on categorizing a job applicant. As understood by Applicants, any mention of “indicating a plurality of job candidates matching the characteristics desired to fill the position” is conspicuously absent from Sobotka.

The rejection thus relies on Tukelang, which does describe at [0272]:

In particular, the invention may be applied in any system or method that involves the use of a distance function to determine the distance between two items or subgroups of items in a group of items.

However, even if the teaching of Tukelang were somehow incorporated into Sobotka, it would only lead to some sort of job categorization, not “results indicating a plurality of job candidates matching the characteristics desired to fill the position” as recited by claim 67. To combine the two references otherwise would require alteration of a fundamental principle of Sobotka, which is not permitted in a § 103 rejection. *See* MPEP, § 2143.01 (VI) (“The proposed modification cannot change the principle of operations of a reference.”).

Further, Applicants have also included language about “converting a job requisition to characteristics desired to fill the position” in claim 67.

For at least these reasons, claim 67 and its dependent claim, 68, is allowable at this time.

### ***Patentability of Claims 77-88 over Sobotka and Tunkelang under § 103***

Applicants have added language about “converting a job requisition to desired job candidate criteria” to claims 77 and 83. Accordingly, these claims and their dependent claims, 78-82 and 84-88 are allowable at this time.

### ***Claim 89***

Applicants have added claim 89. Although not officially earlier presented, it appeared earlier as claim 72. However, claim 72 was canceled by an earlier amendment, and claims cannot be renumbered. Accordingly, Applicants present it as a new claim.

***Request for Interview***

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

***Conclusion***

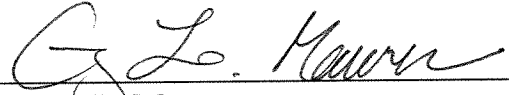
The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 595-5301

By

  
\_\_\_\_\_  
Gregory L. Maurer  
Registration No. 43,781